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FUJIAN JINHUA INTEGRATED CIRCUIT CO., LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED MICROELECTRONICS
CORPORATION, *et al.*,

Defendants.

CASE NO.: 3:18-cr-00465-MMC

**DECLARATION OF EMILY
REITMEIER IN SUPPORT OF
JINHUA'S SECOND MOTION FOR
ISSUANCE OF A LETTER OF
REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE**

Judge: The Honorable Maxine M. Chesney
Trial Date: February 28, 2022

DECLARATION OF EMILY REITMEIER

I, Emily Reitmeier declare and state as follows:

1. I am a Counsel at Skadden, Arps, Slate, Meagher & Flom LLP, attorneys of record for Defendant Fujian Jinhua Integrated Circuit Co., Ltd. (“Jinhua”). I offer this Declaration in support of Jinhua’s Second Motion for Issuance of a Letter of Request for International Judicial Assistance (the “Motion”). This declaration is based upon my personal knowledge, and, if called to testify, I could and would do so competently as to the matters set forth herein.

2. This Letter of Request is to be sent to the Ministry of Justice of the People’s Republic of China in conformity with 28 U.S.C. § 1781 and the Court’s inherent power.

3. I was told that the Fujian Provincial Justice Department preliminarily informed Jinhua on June 19, 2022 that the Chinese competent authority believes that approval needs to be obtained through the formal MLAA or letters rogatory process for Jinhua’s witnesses to testify in person in the United States, as well as for remote testimony. I was told that final confirmation of this was provided to Jinhua on June 20.

4. You Zhenfu is Jinhua’s Head of Human Resources, previously was a director of UMC’s Human Resources Department. I anticipate that he will testify primarily about the “Talent Retention Bonus Program,” including how the program came into existence, who selected the participants, and that Jinhua did not treat the participants as employees from a Human Resources standpoint. Mr. You also attended the Chinese American Semiconductor Professional Association (“CASPA”) event and tool vendor meetings in October 2016 and can testify about what transpired at those events.

5. Wu Junsheng is Jinhua’s Finance Director. I anticipate that he will testify primarily about the “Talent Retention Bonus Program,” and that Jinhua did not treat the individuals in that program as employees from a financial standpoint. He will also testify why Jinhua signed labor contracts with these individuals.

6. Jinhua requests that in-person, live testimony from citizens of the People’s Republic of China be conducted of the following individuals for a criminal proceeding against Jinhua in the United States:

1 a. You Zhenfu (Jeff Yu)

2 b. Wu Junsheng

3 7. Jinhua submits that testimony from these witnesses is highly relevant to this dispute
4 and the proper subject of the letters rogatory process.

5 8. The testimony that Jinhua seeks is not available from other sources. Therefore, in the
6 interests of justice, international judicial assistance is needed to furnish this testimony in this action.

7 9. For the benefit of any appropriate authority in the People's Republic of China who
8 may review this declaration, I further state the following:

9 a. This case is currently on a hiatus from trial, which began on February 28, 2022. The
10 trial is scheduled to resume on August 22, 2022.

11 b. The issues at stake in this action are important, as they relate to potential criminal
12 violations of U.S. laws by Jinhua.

13 c. The testimony sought via the proposed Letter of Request is crucial to this case, as it
14 is necessary for Jinhua to present a full and complete defense.

15 d. The witnesses are willing to provide this testimony in-person, pursuant to this process.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct. Executed on this 23rd day of June 2022 in San Francisco, California.

18 By: /s/ Emily Reitmeier

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20 Emily Reitmeier

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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Jack P. DiCanio
Jack P. DiCanio